

Filed for intro on 02/13/2003  
SENATE BILL 303 By  
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HOUSE BILL 893  
By Cooper B

AN ACT to amend Tennessee Code Annotated, Title 11, Chapter 3 and Title 55, Chapter 4, Part 1, to enact "The State Park Funding Act of 2003".

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. This act shall be known and may be cited as "The State Park Funding Act of 2003".

SECTION 2. Tennessee Code Annotated, Title 11, Chapter 3, is amended by adding Sections 3 through 7 of this act as a new Part 4 thereto.

SECTION 3. There shall be a dedicated fund for the division of parks in the state department of environment and conservation in which all moneys sent to the state treasury from the operation of state park facilities under the control or supervision of the division of parks or in payment of fees, fines, penalties, and forfeitures arising from the laws of this state pertaining to state parks shall be placed. This fund shall constitute a fund known as the "state park fund".

SECTION 4. The state park fund shall only be used for park-related expenditures, including, but not limited to:

- (1) The purchase of lands suitable for state parks;

(2) The maintenance and upkeep of state parks and all buildings and structures related thereto;

(3) The construction of suitable buildings, parking lots, and structures necessary for the use and enjoyment of state parks;

(4) The promotion, advancement, and efficient management of state parks and their resources, including educational activities to that end; and

(5) Any purpose of or in consequence of this title not otherwise provided for.

SECTION 5. Unless otherwise specified in this part, no part of the funds realized from operations, fees, contraband, fines, penalties, forfeitures, or from any privilege taxes levied under the provisions of this title shall be used for any other purposes than those set out in Section 4, nor shall any part of the state park fund be diverted to the general fund or any other public fund. Likewise, interest accruing on investments and deposits of the state park fund shall be returned to the fund and remain a part of it, and under no circumstances shall such interest be diverted to any other public fund. Any fund balance remaining unexpended at the end of a fiscal year in the state park fund shall be carried forward into the subsequent fiscal year.

SECTION 6. (a) The division of parks is hereby authorized to assess and collect a user fee beginning January 1, 2004, in all state parks with the exception of the Tennessee Bicentennial Mall in Nashville, Tennessee, and any other state park that may be certified by the commissioner of the department of environment and conservation not to be suitable for the collection of such a fee. This fee shall be set by the commissioner and shall be based on an amount deemed necessary to make state parks self-sufficient.

(b) Each state park shall have a collection point at which the user fee is to be paid. Upon payment of the prescribed fee, a dated permit shall be issued for the motor vehicle. The division of parks shall establish policies allowing users to purchase weekly or monthly permits. In those parks where it is not feasible to provide such a collection point, the department shall

construct and maintain collection boxes whereby users may voluntarily remit the appropriate fee. The division of parks and recreation shall designate personnel to enforce this section.

(c) All motor vehicle certificate of registration forms and registration renewal forms which are annually submitted to Tennessee motor vehicle owners shall contain a designation whereby the vehicle owner may purchase an annual state parks parking permit. The permit may be purchased by checking the appropriate box on the certificate of registration form and by remitting an additional ten dollars (\$10.00) with the annual vehicle registration fee. Such annual parking permits will exempt park users from the daily user fee in all state parks for the license year. All proceeds derived from the purchase of annual state parks parking permits shall be remitted to the state park fund.

(d) Any person who violates this section commits a Class C misdemeanor and is subject to a fine only of not more than twenty-five dollars (\$25.00). Each day in violation of this section is deemed a separate offense. All proceeds from such citations shall be remitted to the general fund. A person who receives a citation for violating this section may purchase an annual state parks parking permit as provided for in subsection (c) of Section 6 of this act, and the purchase of such permit shall be deemed as payment of the fine.

(e) A motor vehicle which is more than three (3) days in arrears under this section may be considered an abandoned vehicle and may be removed pursuant to the provisions of Title 55, Chapter 16.

SECTION 7. It is the legislative intent that all appropriations which are required for the division of parks be allocated to the state park fund and that the division of parks become financially self-sufficient. In order to evaluate the condition of the state park fund and the division of parks' progress toward self-sufficiency, the division shall submit an annual state park fund report to the general assembly. The report shall be submitted to the general assembly by March 1, 2004, and every March 1 thereafter.

SECTION 8. Tennessee Code Annotated, Section 55-4-102, is amended by adding the following language at the end of the section:

Forms for certificates of registration shall also contain a designation whereby vehicle owners may elect to purchase an annual state parks parking permit, as provided for in Section 6 of this act, by checking the appropriate box and remitting the required fee.

SECTION 9. This act shall take effect July 1, 2003, the public welfare requiring it.